

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6310 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?  
No

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BHAGVATISING SABHAJITSINH THAKOR

Versus

SURAT MUNICIPAL CORPORATION

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Appearance:

MR MA KHARADI for Petitioners

MR PRASHANT G DESAI for Respondent No. 1

MR. H.C.PATEL FOR M/S PATEL ADVOCATES for Respondent No.3

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CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 16/01/97

ORAL JUDGEMENT

The grievance of the petitioners in the present  
petition is that, the award of the Board of Appeal duly  
confirmed by this Court is not being implemented. The  
facts giving rise to the petition are that, the

petitioners were the owners and occupiers of a piece of land admeasuring 15254 sq. meters of Survey No. 16 within the limits of Surat Municipal Corporation. At the time of the introduction of the T.P.Scheme, this entire land came to be kept reserved for the public purpose and in lieu thereof two plots, namely Plot No. 634/1 and Plot No. 634/2 admeasuring 775 and 921 sq. meters respectively were to be given to the petitioners. In addition to this, the compensation in sum of Rs.70,032-00 was also awarded. The petitioners had purchased the land in question from one Dilipkumar Thakorbbhai Desai under a registered Sale Deed dated January 31, 1968. This award was carried before the Board of Appeal and the same came to be confirmed. The petitioners had carried this matter before this Court by filing Special Civil Application No. 247 of 1974. This petition came to be decided, dismissed and disposed of under the orders dated September 02, 1976. Under this orders the award of the Board of Appeal has become final.

Upon hearing learned counsel Mr. Kharadi for the petitioners, learned counsel Mr. Prashant Desai for Respondent No.1 and Mr. Hasmuck C. Patel for Respondents No.2 & 3, it appears that, the purpose would be served if the appropriate directions are issued to the Respondents No.1 & 2. Accordingly it is hereby ordered and directed that, the petitioners shall approach the said respondents once again with the copy of the Sale Deed, under which they have purchased the land. On this being done, the respondents shall verify the above said sale deed and if satisfied, shall make the payment of the above said amount and shall also handover the actual, physical, vacant possession of the above said two plots to the petitioners. The Corporation shall decide the above said questions within a period of four weeks hereof. It shall have to be clarified that, if the result of this exercise is adverse to the petitioners, they shall have the right to come before this Court once again by taking out the appropriate proceedings. Rule is made absolute accordingly.

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